WP(C) 4800/2007
BEFORE
HON'BLE MR. JUSTICE B.K. SHARMA

I have heard Mr. I. Uddin, learned counsel for the petitioner as well as Ms. R. Chakraborty, learned State Counsel. I have also heard Ms. N. Hawelia, learned co unsel for the respondent No. 2. As agreed to by the learned counsel for the part ies, I dispose of the writ petition at the motion stage itself.

By means of this writ petition, the petitioner has challenged the ex-parte judgm ent and order dated 28.6.2007 in F.T. Case No. 69/2006 (P.S. Case No. 29/06) whi ch has been passed by the Foreigners Tribunal, Karbi Anglong, Diphu holding the petitioner to be a foreigner having entered in to Assam after 25.3.1971.

The petitioner has stated that since the wife of the petitioner was suffering fr om serious illness and he was busy in providing treatment to her, he could not a ppear before the Tribunal on 20.4.2006, 7.6.2007 and 28.6.2007. The explanation furnished in the writ petition is accepted after hearing the learned counsel for the parties and on perusal of the materials on record.

In view of the above, the ex-parte order dated 28.6.2007 in F.T. 69/2006 (P.S. C ase No. 29/06) passed by the learned Member, Foreigners Tribunal, Karbi Anglong, Diphu is set aside. However, no opinion is expressed on the merit of the case.

The petitioner shall appear before the Tribunal and adduce evidence in support o f his case.

The petitioner shall appear before the Tribunal on or before 31.10.2007. Thereaf ter the Tribunal shall proceed with the matter in accordance with law and finali se the same.

Writ petition is disposed of.